

APPEAL NO. 010541

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). Following a contested case hearing held on February 14, 2001. The hearing officer resolved the two disputed issues by determining that the respondent's (claimant) compensable injury of _____, extends to, and includes, his conversion disorder and that his impairment rating (IR) is zero percent based on the report of the designated doctor. The appellant (carrier) has appealed the extent-of-injury determination, asserting that the minor head injury the claimant sustained when he bumped his head on a door frame did not cause his conversion disorder by aggravating his preexisting obsessive-compulsive disorder. The claimant's response states his disagreement with the carrier's appeal. The claimant also purports to appeal the IR determination; however, as the carrier notes in its response to the claimant's response, the latter was not mailed on or before the 15th day after the claimant is deemed to have received the hearing officer's decision and, thus, is not timely as an appeal.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant's compensable injury of _____, extends to his conversion disorder. The claimant testified that on _____, while making a delivery for the employer, he bumped the top of his head on a low door frame. He said he "saw stars" and his head and neck "jammed down" into his shoulders. However, he conceded that all the diagnostic tests for brain injury, including an MRI, were negative. The claimant also stated that although throughout his life he has had an obsessive-compulsive disorder for which he received medication, he began to experience various physical problems following his work-related injury which he had not previously experienced and which have collectively been diagnosed as conversion disorder.

The hearing officer's well-written decision sets out the essential evidence and skillfully and correctly analyzes the appealed issue and the conflicting evidence. Concerning the weight and credibility of the evidence, factors very much involved in this case, the hearing officer is the sole judge thereof (Section 410.165(a)) and, as the trier of fact, resolves the conflicts and inconsistencies in the evidence including the medical evidence (Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ)). We are satisfied that the challenged determinations of the hearing officer are not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951).

The decision and order of the hearing officer are affirmed.

Philip F. O'Neill
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Thomas A. Knapp
Appeals Judge